UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.20
2 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Senegal (on behalf of the African Group): draft resolution

1998/ ... Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health of every individual, and to a clean and healthy environment,

Recalling its resolutions 1979/9 of 3 April 1997, 1997/14 of 11 April 1996, 1995/81 of 8 March 1995, 1993/90 of 10 March 1993, 1991/47 of 5 March 1991, 1990/43 of 6 March 1990 and 1989/42 of 6 March 1989,

Recalling also General Assembly resolutions 46/126 of 17 December 1991, 45/13 of 7 November 1990, 44/226 of 22 December 1989, 43/212 of 20 December 1988 and 42/183 of 11 December 1987 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further debates at the regional level, specifically resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of illicit movement and dumping in African and other developing countries that do not have the national capacity to deal with them in an environmentally-sound manner by transnational corporations and other enterprises from industrialized countries of toxic and dangerous products that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

1. Takes notes of the progress report of the Special Rapporteur and, in particular, her conclusions and recommendations (E/CN.4/1998/10 and Add.1);

2. Welcomes the report of the Special Rapporteur on her mission to Africa (E/CN.4/1998/10/Add.2) and in particular expresses its appreciation to the Governments of Ethiopia and South Africa for the cooperation extended to the Special Rapporteur during her visit to those countries;

3. Categorically condemns the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life, health and a sound environment of every individual;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and the Organization of African Unity and other regional organizations to intensify their coordination and international cooperation and technical assistance on environmentally-sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Welcomes the decision adopted at the Fourth Meeting of the Conference of the Parties to the Convention, held in Kuching, Malaysia from 23 to 27 February 1998, regarding the illegal traffic in hazardous wastes which emphasized the need for the parties to cooperate with each other and with the secretariat on alleged cases of illegal traffic, and also welcomes the negotiations towards the adoption of a new convention on international trade in hazardous chemicals and pesticides;

8. Expresses its appreciation to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur, and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

9. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention to give appropriate support to the developing countries, upon their request, in their efforts to implement the

provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

10. Requests the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

11. Also requests the Special Rapporteur to continue to consult all relevant United Nations bodies and organizations and the secretariats of relevant existing or future international conventions and to undertake, within her mandate, a global multidisplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

12. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries;

13. Also reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

14. Encourages the Special Rapporteur, in accordance with her mandate and with support and assistance from the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

15. Decides to renew the mandate of the Special Rapporteur for a period of three years;

16. Urges the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support;

17. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fifth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".